

REMARKS

Receipt of the Office Action of February 12, 2008, is gratefully acknowledged.

On page 2 of the Office Action, the examiner states that "...the method for monitoring a field device as cited in claims 14 - 19 and 21 - 28 must be shown or the feature(s) cancelled from the claim(s)."

It is respectfully submitted that 37 CFR 1.81 requires that drawings be filed "...where necessary for the understanding of the subject matter sought to be patented" (37 CFR 1.81(a)). In section (b) of 37 CFR 1.81 it is stated that "[d]rawings may include illustrations which facilitate an understanding of the invention (for example, flow sheets in case of processes...)." Not the reference to "where necessary" and "may include." These are not commands which must be complied with; they are instead suggestions. Here, it is respectfully submitted that a drawing of the method steps are not necessary. Nevertheless, application is submitting a new drawing sheet showing the method steps in block diagram form (flow sheets). This new Fig. 2 which is being added, is derived entirely from the written text of the application and accordingly does not introduce any new matter into the application.

The specification has been amended to account for the addition of Fig. 2. In addition, the specification has been amended as suggested by the examiner.

The rejection of claims 14, 15, 21 and 25 under 35 USC 103(a) over Wischinski in view of Ten Brink and Cuzzo et al; the rejection of claim 16 under 35 USC 103(a) over Wischinski in view of Ten Brink, Cuzzo et al and Jurisch et al; the rejection of claim 17 under 35 USC 103(a) over Wischinski in view of Ten Brink, Cuzzo et al, Jurisch et al and Aisenberg et al; the rejection of claims 18 and 22 - 24 under 35 USC 103(a) over Wischinski in view of Ten Brink, Cuzzo et al and Havekost et al; the rejection of claim 19 under 35 USC 103(a) over Wischinski in view of Ten Brink, Cuzzo et al, Havekost et al and AAPA; the rejection of claim 26 under 35 USC 103(a) over Wischinski in view

of Havekost et al; the rejection of claim 27 under 35 USC 103(a) over Wischinski in view of Ten Brink, Cuzzo et al, Havekost et al and Alexander, III et al; and the rejection of claim 28 under 35 USC 103(a) over Wischinski in view of Ten Brink, Cuzzo et al and Alexander, III et al are noted and respectfully traversed

In each of the noted rejections, the Wischinski publication is cited as the basic reference. In the first application of Wischinski (applied against claim 140, the examiner states that Wischinski discloses “requesting at intervals in time, an individual identifier of the field device”, citing the abstract and page 2, lines 15 - 21; and “comparing the requested individual identifier with an identifier stored in the control unit” without citation to the text. It is respectfully submitted that the examiner has taken the quoted passages (which are not identical to the citation source) out of context. The comparison relates to “comparing the installed device components with the available device components and for providing an offer to upgrade installed device components.” The preceding is an exact quote found in the abstract of Wischinski and certainly is not at all compatible with the invention as claimed in claim 14. To insure clarity, claim 14 has been amended to recite that the query is intended to prevent “unauthorized tampering with the field device based on the unauthorized replacement or change of hardware, or software, or even just parts thereof in the field device.”

This clarification is not found in Wischinski, nor the other art cited, so that a modification of Wischinski with any one or more of the the other art cited would not lead to the invention as claimed in claim 14.

As to claim 26, the other independent claim, Wischinski and the other art cited do not teach the storage with the time stamp following the query.

In view of the foregoing, reconsideration and re-examination are respectfully requested and claims 14 - 19 and 21 - 28 found allowable.

Respectfully submitted,

BACON & THOMAS, PLLC

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A handwritten signature in black ink, appearing to read 'Felix J. D'Ambrosio', written in a cursive style.

Felix J. D'Ambrosio

Attorney for Applicant

Registration Number 25,721

Customer Number *23364*

BACON & THOMAS, PLLC

625 Slaters Lane, Fourth Floor

Alexandria, Virginia 22314

Telephone: (703) 683-0500

Facsimile: (703) 683-1080

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